



PATENT APPLICATION NO.
ATTORNEY DOCKET NO. T8907.CON

DECLARATION, POWER OF ATTORNEY AND PETITION

As a below named inventor, I hereby declare: that my residence, post office address, and citizenship are as stated below next to my name; that I verily believe I am the original, first, and sole inventor Tracy Gibbs of the subject matter which is claimed and for which a patent is sought on the invention entitled NUTRIENT ABSORPTION ENHANCING COMPOSITIONS AND METHODS, the specification of which was filed on 03/22/2004, as THORPE NORTH & WESTERN, LLP Docket No. T8907.CON, and given United States Application No. 10/806,669, and that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above; and that I acknowledge the duty to disclose information which is material to patentability as defined in § 1.56(a) of Title 37 of the Code of Federal Regulations.

I hereby claim the benefit of the earlier filed patent application filed in the United States Patent and Trademark Office as application no. 09/989,980 filed on 11/20/2001 ABN; and, insofar as the subject matter of each of the claims of this application is not disclosed in the earlier filed pending application in the manner provided by the first paragraph of Section 112 of Title 35 of the United States code, we acknowledge the duty to disclose material information, as defined in Section 1.56(a) of Title 37 of the Code of Federal Regulations, which occurred between the filing date of the earlier filed application and the filing date of this application.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by

fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

I hereby appoint as its attorneys and/or patent agents the law firm of THORPE NORTH & WESTERN, LLP, having a business address of 8180 South 700 East, Suite 200, Sandy, Utah 84070, and VAUGHN W. NORTH, Registration No. 27,930; M. WAYNE WESTERN, Registration No. 22,788; CLIFTON W. THOMPSON, Registration No. 36,947; GARRON M. HOBSON, Registration No. 41,073; PETER M. DE JONGE, Registration No. 47,521; WEILI CHENG, Registration No. 44,609; DAVID R. MCKINNEY, Registration No. 42,868; STEVE M. PERRY, Registration No. 45,357; GARY P. OAKESON, Registration No. 44,266; DAVID W. OSBORNE, Registration No. 44,989; JASON R. JONES, Registration No. 51,008; ERIK S. ERICKSEN, Registration No. 48,954; JOHN W.L. OGILVIE, Registration No. 37,987; CHRISTOPHER L. JOHNSON, Registration No. 46,809; NATHAN W. WINESETT, Registration No. 55,733; and TODD B. ALDER, Registration No. 54,598; all with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

All correspondence concerning this application should be directed to:

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Wherefore, I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at Sandy, UT (City, State), this 5th day of Aug., 2004.

INVENTOR(S):

A handwritten signature in black ink, appearing to read 'Tracy Gibbs', is written over a horizontal line.

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Draper, Utah

Citizenship:

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